

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARCUS R. WILLIAMS, CASE NO. 1:05-cv-00124-AWI-SMS PC

**ORDER DENYING MOTION TO COMPEL AS
PREMATURELY FILED**

V.

(Doc. 57)

DERRAL G. ADAMS, et al.,

Defendants.

Plaintiff Marcus R. Williams (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On June 3, 2008, Plaintiff filed a motion to compel. Defendants filed an opposition on June 18, 2008.

Plaintiff served the discovery requests at issue on May 4, 2008. (Doc. 57.) Pursuant to the Court's discovery and scheduling order, parties have forty-five days to serve their discovery responses. (Doc. 49.) The forty-five day period expired on June 18, 2008. In addition, the Federal Rules of Civil Procedure entitle Defendants to three additional days for mailing. Fed. R. Civ. P. 6(d). Because the third day fell on a weekend, Defendants' responses were not due until Monday, June 23, 2008. Fed. R. Civ. P. 6(a).

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1 Plaintiff's motion to compel was filed prior to Defendants' deadline to respond to his
2 discovery requests and is HEREBY DENIED as prematurely filed.

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4 IT IS SO ORDERED.

5 Dated: August 21, 2008

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10 /s/ **Sandra M. Snyder**
11 UNITED STATES MAGISTRATE JUDGE
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